**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CRIMINAL APPELLATE JURISDICTION**
**CRIMINAL APPLICATION NO.6953 OF 2005**

Kalu Pandit Kokate & Ors. ...Applicants
Vs.
The State of Maharashtra ...Respondent

Shri M.S. Karnik for the Applicant.
Ms M.M. Deshmukh, A.P.P. for the Respondent.

**CORAM : A. S. OKA, J.**
**DATE : OCTOBER 25, 2005.**

**P.C.:**

1. Heard Shri. Karnik appearing for the Applicant. This Application for transfer is based on the apprehension that the Applicant may not get justice from the learned Trial Judge. Submission is that the learned Trial Judge went to the extent of rejecting an Application for re-issuing witness summons. It is pointed out that the said order of the learned Judge has been quashed by this Court in Criminal Writ Petition filed by the Petitioner.

2. After hearing the learned Advocate appearing for the Applicant and after perusing the grounds on which transfer is sought, it is apparent that the only ground is that a wrong order was passed by the learned Trial Judge. In my view, transfer cannot be permitted only because the learned Judge has passed an order which has been set aside by the higher Court. No case is made out for passing the order of transfer. Hence, Application is rejected.

**JUDGE**